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In re Application of:
MASON, Rex, Allan :
U.S. Application No.: 10/576,705 :
PCT No.: PCT/NZ2004/000259 :
International Filing Date: 15 October 2004 :
Priority Date: 21 October 2003 :
Attorney's Docket No.: JAMES117.001APC :
For: ANTI-FOAMING DEVICE :

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(b)

In a decision mailed by this Office on 31 August 2007, applicants' petition under 37 CFR 1.47(b) for acceptance of the application without the signature of sole inventor Rex Allen MASON was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 30 November 2007, applicants filed a response to the 31 August 2007 decision (with required one-month extension fee); the response is treated herein as a renewed petition.

Applicants' 30 November 2007 submission includes a declaration executed by the previously non-signing inventor Rex Allen MASON. Because the inventor has been located and is not refusing to execute the application, the petition under 37 CFR 1.47(b) requesting acceptance of the declaration without the signature of Rex Allen MASON is **DISMISSED AS MOOT**.

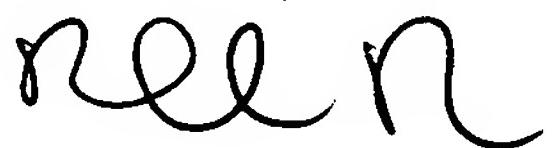
A review of the declaration filed on 31 August 2007 reveals, however, that this declaration is not acceptable as submitted. Specifically, the declaration includes an alteration to the inventor's residence and post office address that has not been initialed and dated by the signing inventor. As set forth in section 605.04(a) of the MPEP: "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." Therefore, a newly executed declaration is required here.

The submission of the executed but non-compliant declaration is considered a defective response to the previous decision.

Applicant is required to submit an acceptable declaration executed by inventor Rex Allen MASON that satisfies the requirements of 37 CFR 1.497 within **ONE (1) MONTH** from the mail date of this decision or within the time remaining in the response period set forth in the previous decision mailed 31 August 2007, whichever is the longer. Extensions of the one-month time limit above may **not** be granted under 37 CFR 1.136(a); however, the period for response set forth in the previous decision mailed 31 August 2007 may be extended under 37 CFR 1.136(a).

Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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